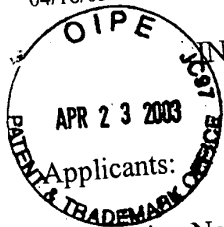


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DJT/nzk(mab)
04/18/03

PATENT APPLICATION
Docket No.: 2479.1012-000

2685
#12
5/2/03
DH



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles T. Ferguson and Thomas Gorsuch
Application No.: 09/288,229
Filed: April 8, 1999
Confirmation No.: 7202
Group Art Unit: 2685
Examiner: Tilahun Gesesse

For: MAINTENANCE OF CHANNEL USAGE IN A WIRELESS
COMMUNICATION SYSTEM (AMENDED)

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>4-18-03</u>	<u>Nadine Z. Kush</u> Signature
Date	
<u>Nadine Z. Kush</u> Typed or printed name of person signing certificate	

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APR 25 2003
Technology Center 2600

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FOR FAILURE TO RESPOND TO AN OFFICE ACTION

Assistant Commissioner for Patents
Box DAC
P.O. Box 2327
Arlington, VA 22202

Sir:

Applicant's undersigned attorney recently received a Notice of Abandonment dated February 26, 2003. The Notice indicated that the application was being abandoned in view of the Applicants' failure to timely file a proper reply to the Office Letter mailed on March 15, 2002.

We respectfully request that the Holding of Abandonment be withdrawn in view of the fact that a response was actually filed by the Applicant.

In particular, on August 14, 2002, Applicant mailed
an Amendment Fee Letter,
an Amendment,
a Petition for a Two Month Extension of Time,
a check for \$580.00 to cover the extension fee plus the fee for additional claims,
and
a Second Supplement Information Disclosure Statement with PTO form 1449.

Copies of these documents, as mailed on August 14, 2002, are attached hereto as Exhibit A.

These documents were accompanied with a return postcard. A copy of the return postcard indicating the Patent Office's receipt of these documents on August 16, 2002 is enclosed herewith as Exhibit B.

We note also that on August 28, 2002 the Applicant submitted copies of formal drawings consisting of three sheets for Figures 1 through 4 for filing in the application. A copy of the transmitted formal drawings together with the return cancelled postcard are also attached hereto as Exhibit C.

In consideration of the above facts, the Applicant is clearly justified in requesting that the Holding of Abandonment be withdrawn by the Patent Office. The Amendment should be entered into the file and the Applicants' remarks contained therein should be considered.

The PTO did not receive the following
listed item(s) A check of \$580.00

Although it is believed that no petition fee is due as a result of this paper since the mistake in properly recording the response is apparently the fault of the U.S. Patent and Trademark Office, please consider this as an authorization to charge our Deposit Account No. 08-0380 for any fees that may be due in connection with making this petition.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

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Telephone: (978) 341-0036

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Concord, MA 01742-9133

Date: 4-18-03